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*Duplicate -
original is sent by mail
on 21.01.03
(total 24 sheets)*

Inventor and applicant of
US Patent Application 09 / 509,377
"Endoscope with disposable
cartridges for the invagination of
endoscopic tube"

Riga, January 21, 2003

In re patent of
Voloshin et al.

Patent No. 6,485,409

Issued: November 26, 2002

For: Propulsion of a probe in the colon using a flexible sleeve

Submission of Prior Art Under 37 CFR 1.501

Hon. Assistant Commissioner,

In compliance with 35 U.S.C. § 301 and 37 CFR 1.501 we draw Your attention on the non-patentability of the patent US 6,485,409. The prior art is the application PCT/LV 98/00006.
In compliance with 35 U.S.C. § 102 (b) applicants were not entitled on the patent US 6,485,409 as more than on year prior to the date of application for patent 09/646,941 there was printed publication WO 99/17655 of application PCT/LV 98/00006.

Claims 4,5,10 of patent US 6,485,409 claim the compact condition of the sleeve (26), which is disposed on the distal end of endoscope. In the application PCT/LV98/00006 the identical condition and position of invaginator (23) is described in the specification on the:

- page 1, lines 12-14, 18-21, 31-35;
- page 3, lines 3-4, 17-19, 27-29;
- page 5, lines 7-9;
- page 7, line 38-40;
- page 9, line 11-13;
- page 10, lines 1-3;

as well as is illustrated on Fig. 1.

The examiner of the application PCT/IL00/00017, later of the application 09/646,941 and simultaneously of the application 09/509,377 was Mr. Leubecker, John P. I kindly ask to draw Your attention on the following facts:

- publication WO 99/17655 was not opposed to the application PCT/IL00/00017,
- publication WO 99/17655 was not opposed to the application 09/646,941,
- filing date of the application 09/509,377 in the USPTO is 28.08.00,
- filing date of the application 09/646,941 in the USPTO is 13.11.00,
- 20.11.02 on the application 09/509,377 was issued final rejection,
- 26.11.02 on the application 09/646,941 was issued patent US 6,485,409.

The issue of patent US 6,485,409 has caused to me the moral and material damage. In this connection I had to ask You to annul claims 4,5,10 of patent US 6,485,409.

In compliance with 37 CFR 1.501 (c)(2) herewith I sent the letter and its enclosures in duplicate.

Encl.:

- copy of the present letter
- translation of publication WO 99/17655 of the application PCT/LV98/00006 (fragments, mentioned in present letter, are marked)
- certificated copy of the USSR inventors certificate №1522466 (priority of 21.08.1978) - the prior art of PCT/LV98/00006
- certificated translation of the USSR inventors certificate №1522466 into English

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Faithfully Yours,
Sergey Matasov M.D.

